REMARKS

Claims 1-5 are pending in the application. Claims 1-5 stand rejected.

Claims 1 and 3 have been amended to clarify the subject matter of the claimed invention. No new matter is entered.

Claims 1-3 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is respectfully submitted in view of the above mentioned clarification the rejection should be withdrawn.

Claims 1, 3-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rollins, U.S. Patent No. 6,738,348 in view of Marchok et al, U.S. Patent No. 6,473,394 (Marchok).

Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Rollins and Marchok, in view of Ibaraki et al, U.S. Patent No. 6,590,865.

The rejection of claims 1-5 is being herein respectively traversed for at least the following reasons:

Regarding independent claim 1:

It's asserted in the Office Action that Rollins taught the claimed invention substantially as claimed operated by network offerer and a customer (col. 2, lines 24-33). The Office Action admits Rollins does not teach determining and adopting an applied threshold value. Its asserted that Marchok taught the serviceable bandwidth manager notifying a present applied threshold value in response to a collection demand by the network offerer, and adopting a changed applied

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threshold value for the determination when the network offerer has changed the applied threshold value (col.22, lines 14-18, 31-39);

However, it is respectfully submitted that the NSP (Network Service Provider) of Rollins has no means for a network offerer to set or change an arbitrary service applied threshold value.

Rollins has an object to change the maximum bandwidth option in a user accommodating line, disclosing no option for performing a priority control.

Rollins fails to compare the service applied threshold value arbitrarily designated by a network offerer with a remaining bandwidth; Marchok discloses no means for setting an arbitrary service applied threshold value.

Applicant's claim 1 includes: comparing an available bandwidth of the premium bandwidth control service demand with the applied threshold value to determine whether or not the premium bandwidth control service is available; the serviceable bandwidth manager transmitting to the network offerer the applied threshold value in response to a collection demand by the network offerer, and adopting a changed applied threshold value for the determination when the network offerer has changed the applied threshold value.

In detail the Office Action asserts Rollins teaches the claimed invention as follows comprising: a customer interface for accepting, from the customer, an available bandwidth of a premium bandwidth control service demand with a higher priority than a regular bandwidth control service of best effort type (col. 3, lines 56-67), a network interface for accepting an applied threshold value of the premium bandwidth control service from the network offerer (col. 3, lines 67- col 4, lines 4), and a serviceable bandwidth manager for comparing an available bandwidth of the premium bandwidth control service demand with the applied threshold value to determine whether or not the premium bandwidth control service is available, for notifying the

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result to the customer through the customer interface, and for demanding that the network should

secure a bandwidth in order that the customer who has received the notification of a service

permission can start the premium bandwidth control service when the premium bandwidth

control service is determined to be available (col.4, lines 51-67, col.5, lines 47-55);

The Office Action further asserts it would have been obvious to one having ordinary skill

in the art at the time of the invention was made to combine the teachings of Rollins and Marchok

because Marchok's method of determining and adopting an applied threshold value would

increase reliability of Rollins's system by avoiding the system to exceed a predetermined

bandwidth threshold value causing a system bandwidth overload (col.2, lines 6-9).

However, as pointed out above Rollins fails to compare the service applied threshold

value arbitrarily designated by a network offerer with a remaining bandwidth. In addition

Marchok discloses no means for setting an arbitrary service applied threshold value.

As a result, the present claimed invention according to claim 1 can arbitrarily designate,

as a service applied threshold value, a bandwidth assigned for bandwidth control (bandwidth

guarantee or priority control) services among bandwidths possessed by a network such as an IP

network of a network offerer such as ISP, thereby effectively or efficiently operating the network.

This is because applicant's claimed invention can change the service applied threshold

value depending on the network load.

For example, the present invention can reduce the applied threshold value when the

network load is high, while increasing the applied threshold value when the network load is low,

thereby adjusting a user's demand (network load) for services.

In addition it is respectfully submitted that Rollins relates to an Internet connecting

service by ADSL. Thus allowing a user to arbitrarily switch or select an option (for example, 8

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M/12 M/24 M) with respect to a subscriber accommodating line from a subscriber home to a telephone station.

Accordingly, Rollins does not relate to a bandwidth control service which performs a bandwidth guarantee or priority control over an IP network.

Marchok relates to a bandwidth control in radio communication between a radio terminal and a base station, such as a mobile phone, which is different in the applicable field.

Therefore, Rollins cannot be combined with Marchok due to a different applicable field.

Regarding Dependent claim 2:

Its asserted in the Office Action with regard to claim 2 that Rollins and Marchok did not specifically detailing the release of the service. However Ibaraki is set forth as describing demanding a release of the premium bandwidth control service from the serviceable bandwidth manager, when the applied time has elapsed (col. 21, lines 63-col.22, lines 7).

However, it should be submitted that Marchok discloses no means for designating arbitrary applied time by a user, whereas the present invention according to claim 2 can notify the user who was rejected with such a service application as to when the service can be offered, and enables the user to be determined whether or not a reservation should be made by such information.

This is because the present invention of claim 2 includes an assigned bandwidth and a service applied time in all users' service applied requests, enabling a service applicable starting time to be calculated from the present service applied status and reservation status.

Ibaraki relates to a bandwidth control in a data transfer between storages (hard disks) connected with an IEEE 1394 interface bus, which is different in the application field.

Therefore, Rollins cannot be combined with Marchok as well as Ibaraki due to a

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different application field.

Regarding Dependent claim 3:

Its asserted in the Office Action with regard to claim 3, that Rollins further taught wherein a service reservation manager is provided which reserves and manages a customer whose premium bandwidth control service demand is rejected by the serviceable bandwidth manager, and which notifies to the customer that the premium bandwidth control service becomes available at that time (col.4, lines 61-col.5, lines 4).

However, it is respectfully submitted that Rollins discloses no means for reservation management for a user who was rejected with the application, whereas the present invention according to claim 3 can prevent the network offerer from losing a business chance for a bandwidth control service.

This is because the present invention of claim 3 realizes a reservation by a user who was rejected with a service application but waits for the service application.

Regarding Dependent claim 4:

Its asserted in the Office Action with regard to claim 4, that Rollins further taught wherein an additional rate manager is provided which manages an accounting rate set according to a remaining bandwidth of the premium bandwidth control service and forming an additional rate calculation standard (col.1, lines 9-16), and which notifies the accounting rate corresponding to the remaining bandwidth of the premium bandwidth control service at a time when a service is demanded by the customer to the serviceable bandwidth manager, while the premium bandwidth control service is offered (col.2, lines 53-65, col.4, lines 61-67).

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However, it is respectfully submitted that Rollins discloses no means for calculating an additional charge with an accounting rate corresponding to a remaining bandwidth for an arbitrary applied threshold value, whereas applicant's claim 4 can suppress a user's demand (network load increase) for service application.

This is because the network offerer of claim 4 allows the network offerer to set an arbitrary service applied threshold value and an arbitrary accounting rate corresponding to a remaining bandwidth for the applied threshold value. This enables the accounting rate for the service application to be raised or required with a higher additional charge as the remaining bandwidth decreases for the arbitrary applied threshold value by service application to users.

Regarding Dependent claim 5:

It's submitted that Rollins does not disclose applying a new accounting rate to a service applied user when another user has released the service.

In contrast claim 5 describes a user applied with the service when the remaining bandwidth for an arbitrary applied threshold value is small is prevented from being accounted with a continuously high additional charge in spite of service release for a user whose service was applied before the service application being made.

Its asserted in the Office Action with regard to claim 5, Rollins further taught wherein when the customer releases the premium bandwidth control service, the additional rate manager changes the accounting rate to a new accounting rate considering the released bandwidth for accounting (Col.3, lines 1-11).

Applicant's claim 5 is different because an additional rate manager enabling the accounting rate for a user continuously applied with services at the time when a user's service is

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released to be changed on a real time basis is not described in Rollins.

For at least the foregoing reasons it is respectfully requested the rejections be

withdrawn.

This application is in condition for allowance which action is respectfully requested.

However, if the Examiner should consider this application not to be in condition for allowance,

the Examiner is invited to telephone the undersigned attorney at the number listed below prior to

issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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